

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0153 (Iglesia Filadelfia)

P.C. DATE: January 26, 2016

DISTRICT AREA: 4

ADDRESS: 9015 Capitol Drive

OWNER/APPLICANT: Leonel Rangel

ZONING FROM: SF-3-NP **TO:** GR-NP

AREA: 0.7088 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is grant GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay will prohibit Medical Offices-not exceeding 5000 sq. ft. gross floor area and Medical Offices –exceeding 5000 sq. ft. in gross floor area.

In addition, the staff's recommendation includes a condition that 30 feet of right-of-way from the centerline of Capital Drive should be dedicated through a street deed to the City of Austin prior to third reading of this zoning case at City Council in accordance with the Transportation Plan. [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

PLANNING COMMISSION RECOMMENDATION:

1/26/16: Approved the staff's recommendation of GO-CO-NP zoning, with addition to the conditional overlay to limit the site to only permitted civic uses. Therefore, the following uses would be prohibited on the property: Bed and Breakfast (Group 1), Bed and Breakfast (Group 2), Administrative and Business Offices, Art Gallery, Art Workshop, Business or Trade School, Business Support Services, Communication Services, Medical Offices-not exceeding 5000 sq. ft. gross floor area and Medical Offices –exceeding 5000 sq. ft. in gross floor area, Off-Site Accessory Parking, Personal Services, Printing and Publishing, Professional Office, Restaurant (Limited), Software Development, Special Use Historic, Community Garden and Urban Farm (10-0, P. Seeger, J. Stevens and T. White-absent); A. Pineyro De Hoyos-1st, J. Shieh-2nd.

DEPARTMENT COMMENTS:

The property in question currently developed with a religious assembly use (Iglesia Filadelfia) that fronts onto Capital Drive, a local collector roadway. There is a hotel/motel use to the north and another religious assembly use to the south. To the east, there is a retail center fronting Interstate Highway-35 Southbound. The properties to the west, across Capital Drive, are developed with single-family residences. The applicant is requesting a rezoning to expand the existing church facility. The staff recommends GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining District, zoning because the property under consideration meets the purpose statement of the district. General Office zoning permits uses that serve community and city-wide needs. GO-CO-NP zoning will allow for the growth of the existing religious assembly use at this location while providing for a transition in land use intensity from the commercial uses fronting Interstate Highway-35 to the east to the single-family residential uses across Capital Drive to the west.

The future land use map for the North Lamar Combined Neighborhood Planning Area calls for this property to have a civic designation. Therefore, a neighborhood plan amendment is not required as religious assembly is considered a civic use.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Religious Assembly (Iglesia Filadelfia)
<i>North</i>	GR-CO-NP	Hotel-Motel (Budget Inn)
<i>South</i>	SF-3-NP	Religious Assembly (The New Jerusalem Penecostal Church)
<i>East</i>	CS-CO-NP	Commercial Retail Strip Center (Barber Shop, Burmese Store, Party Planet, Five Star Appliance Repair, Iglesia Evangelical Emmanuel, Coy's Hair Studio, Hair Palace, Austin Motor Sport.com Repair and Parts)
<i>West</i>	SF-3-NP	Single-Family Residences

AREA STUDY: North Lamar Combined Neighborhood Planning Area
(Georgian Acres)

TIA: Not Required

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Austin Northwest Association
 Bike Austin
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos MACC
 Heritage Hills/Windsor Hills Combined Neighborhood Contact Team
 Georgian Acres Neighborhood Association
 North Growth Corridor Alliance
 North Lamar Combined Neighborhood Plan Contact Team
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0049 (Georgian Acres Neighborhood Planning Area Rezoning)	<p>To approve a Neighborhood Plan Combining District (NPCD) be created covering the entire plan area. Under the proposed Georgian Acres NPCD, the following design tools will be applied area-wide: “Parking Placement and Impervious Cover Restrictions,” “Garage Placement” and “Front Porch Setback”.</p> <p>In addition, the staff recommends base district zoning changes for the 40 tracts shown on the attached Georgian Acres Neighborhood Planning Area.</p>	<p>5/11/10: Approved the proposed re-zonings for the Georgian Acres NPCD as recommended by the staff, except for following tracts: 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 115, 118, 119, 134, 136, and 137 (8-0, J. Reddy-absent); D. Chimenti-1st, M. Dealey-2nd.</p> <p>Approved the staff’s recommendation to rezone to Vertical Mixed-Use “V” and to remove the dimensional standards identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use designation of Mixed Use for the following tracts: 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 115, 118, and 119; Vote: (8-0, J. Reddy-absent); D. Chimenti-1st, M. Dealey-2nd.</p> <p>Approved the staff’s recommendation to rezone to Vertical Mixed-Use “V” and to remove the dimensional standards identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use designation of Neighborhood Mixed Use for the following tracts: 106, 136 and 137; Vote: (8-0, J. Reddy-absent); D. Chimenti-1st, M. Dealey-2nd.</p> <p>Approved the staff’s recommendation for the Impervious Cover & Parking Placement Restrictions, Front Porch Setback and Garage</p>	<p>6/24/10: Approved the Georgian Acres Neighborhood Plan Combining District (NP), except for tracts 134 and 135B (as shown below), and including the following motions was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.</p> <p>The motion to amend the ordinance per staff’s recommendation to change the future land use for Tract 134 to office and include limited office-conditional overlay-neighborhood plan (LO-CO-NP) zoning with the following conditions and conditional uses was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote. The conditions were to restrict building height to 18 feet. The conditional uses are: medical offices less than 5,000 square feet and medical offices greater than 5,000 square feet.</p> <p>The motion to amend the ordinance to change the land use designation for Tract 135B on the future land use map (FLUM) to commercial and include general community commercial-conditional overlay-neighborhood plan (GR-CO-NP) zoning with hotel/motel as a conditional use was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.</p>

		<p>Placement design tools for the Georgian Acres Planning Area; Vote: (8-0, J. Reddy-absent); D. Anderson-1st, K. Tovo-2nd.</p> <p>Approved the staff's recommendation of SF-3-NP zoning for Tract 134 (602, 604, and 606 Middle Lane); Vote: (8-0, J. Reddy-absent); S. Kirk-1st, D. Chimenti-2nd.</p>	
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RELATED CASES: C14-2010-0049 (Georgian Acres Neighborhood Planning Area Rezonings)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Capitol Drive	Varies	Varies	Collector	N/A

CITY COUNCIL DATE: February 11, 2016

ACTION:

ORDINANCE READINGS: 1st

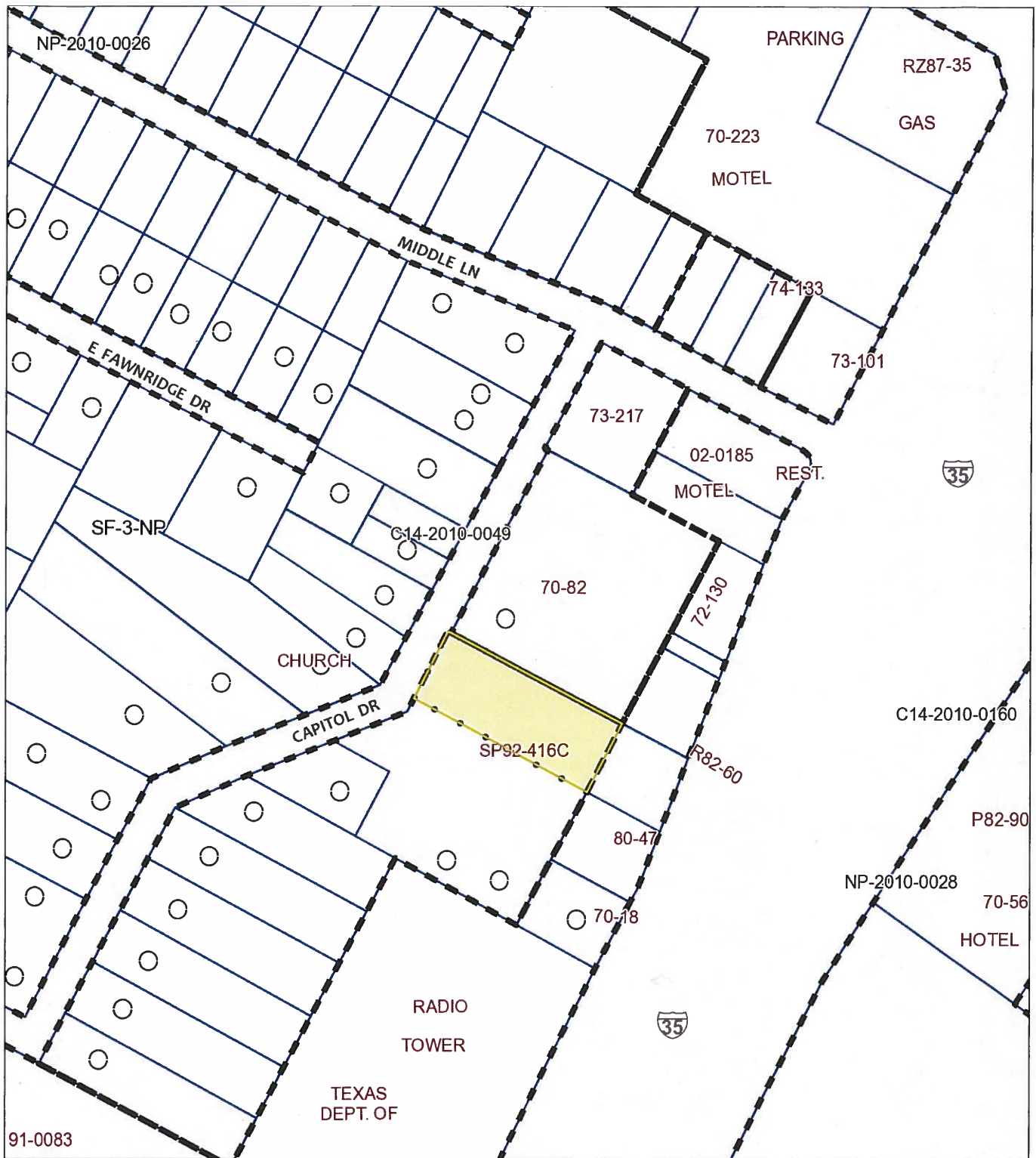
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@ci.austin.tx.us



- Subject Tract
- Railroads
- Pending Case
- Zoning Boundary

100 200 Feet

1" = 200'

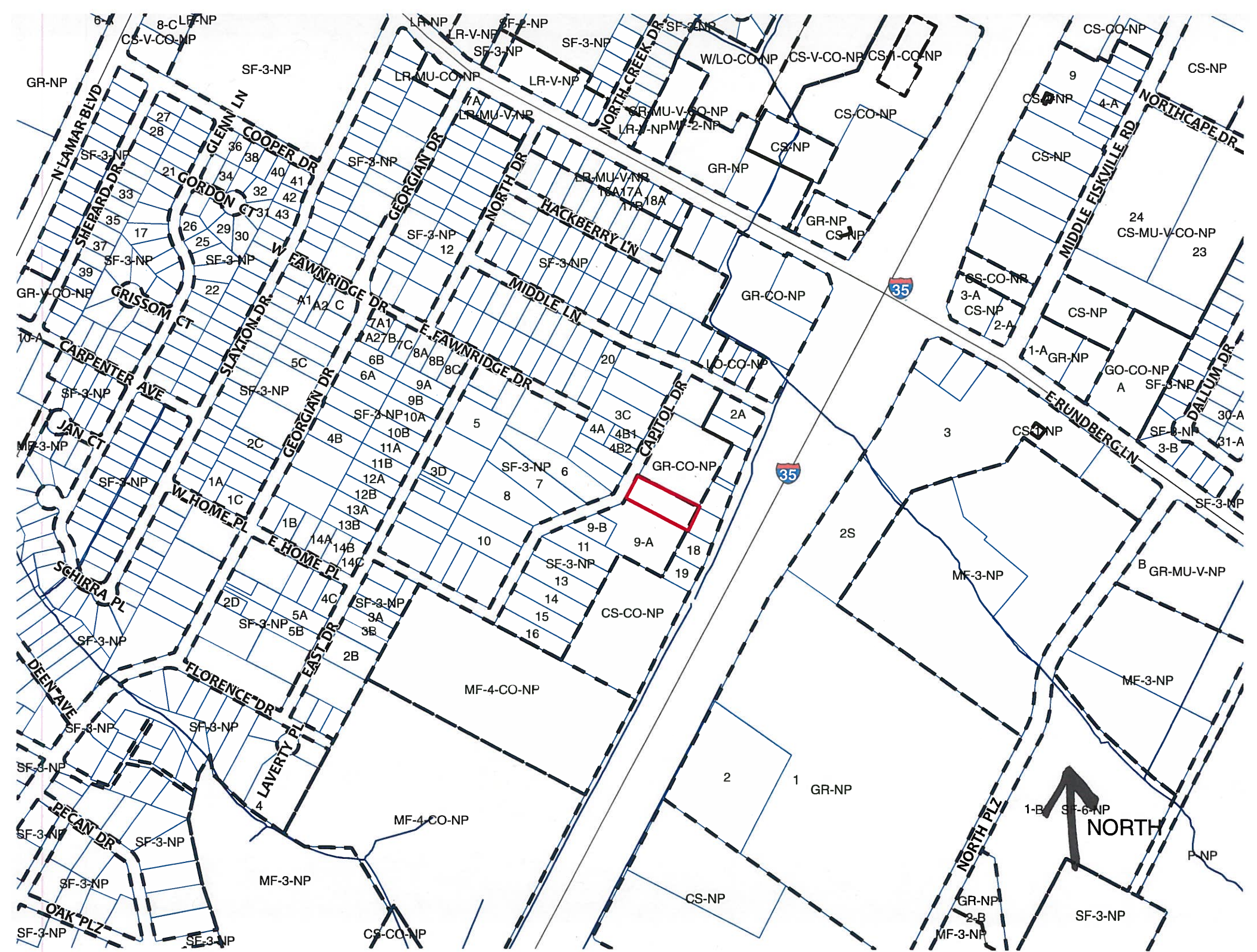
ZONING

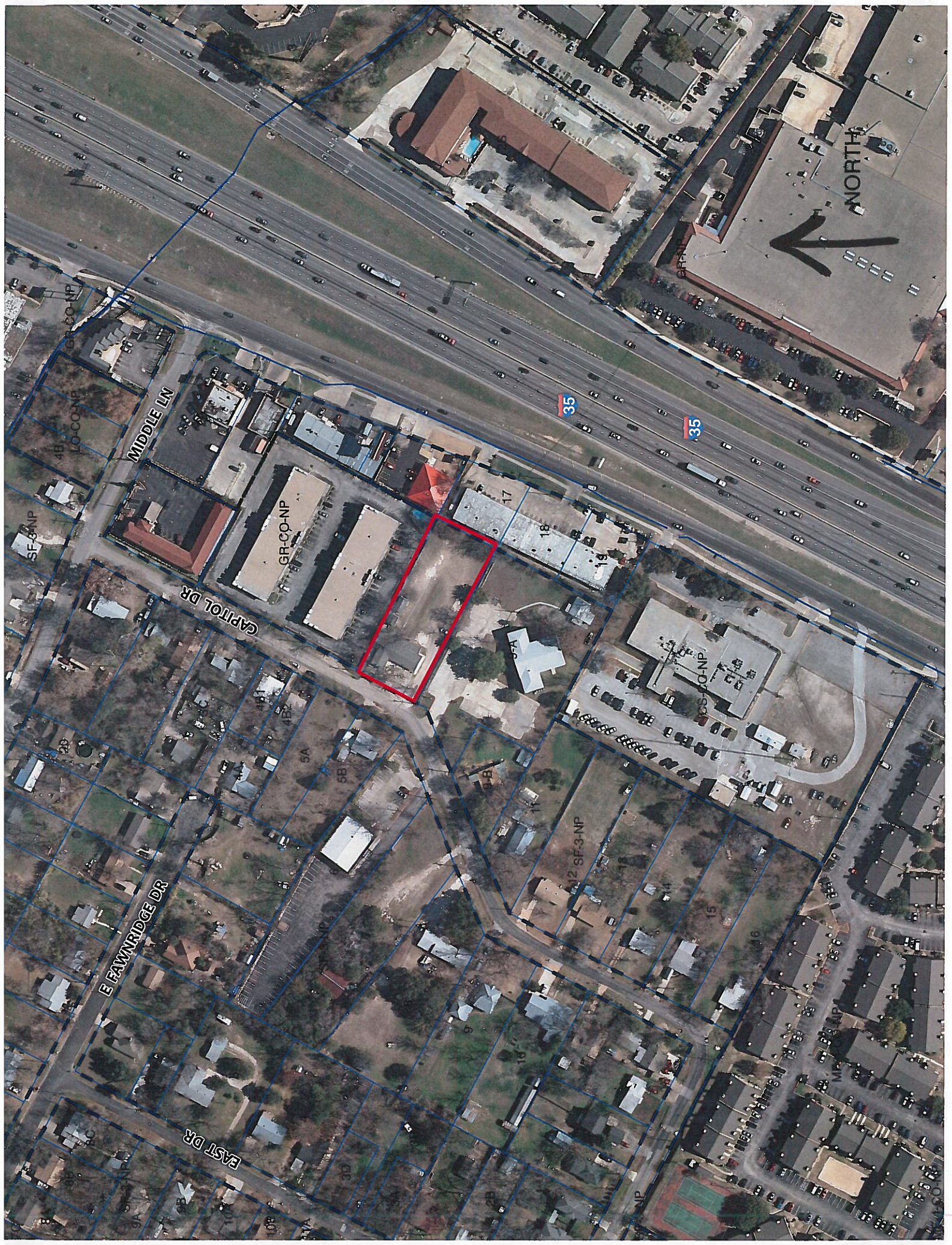
ZONING CASE#: C14-2015-0153



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





NORTH

35

35

MIDDLE LN

CAPITOL DR

E PAWRIDGE DR

EAST DR

GR-CQ-NP

12 SF-3-NP

GR-CQ-NP

SF-3-NP

GR-CQ-NP

LO-CQ-NP

5A

17

18

15

16

28

5A

5B

5A

5B

5C

5A

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STAFF RECOMMENDATION

The staff recommendation is grant GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining District, zoning for the property. The conditional overlay will prohibit Medical Offices-not exceeding 5000 sq. ft. gross floor area and Medical Offices –exceeding 5000 sq. ft. in gross floor area.

In addition, the staff's recommendation includes a condition that 30 feet of right-of-way from the centerline of Capital Drive should be dedicated through a street deed to the City of Austin prior to third reading of this zoning case at City Council in accordance with the Transportation Plan. [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will provide for a transition in land use intensity from the commercial uses fronting Interstate Highway-35 to the east to the single-family residential uses across Capital Drive to the west.

3. *The proposed zoning should allow for a reasonable use of the property.*

GO-CO-NP zoning would permit more impervious cover (80%) and building coverage (60%) on the property which would permit the growth of the existing religious assembly use at this location.

EXISTING CONDITIONS

Site Characteristics

The site in question is developed with religious assembly use (Iglesia Filadelfia). There is a hotel-motel use (Budget Inn) to the north that fronts onto the Interstate Highway-35 southbound access road. To the east is a commercial retail strip center (Barber Shop, Burmese Store, Party Planet, Five Star Appliance Repair, Iglesia Evangelical Emmanuel, Coy's Hair Studio, Hair Palace, Austin Motor Sport.com Repair and Parts) that accesses the IH-35 southbound access road. To the west, there are single-family residences. The property to the south is developed with another religious assembly use, the New Jerusalem Penecostal Church.

Comprehensive Planning

SF-3 to GR

This zoning case is located on the east side of Capitol Drive, on a .71 acre lot that contains a small church and parking lot. This property is also located within the boundaries of the North Lamar Combined Neighborhood Planning Area. Surrounding land uses includes a motel to the north, a large church to the south, a single family house and another church to the west, and a retail shopping center

to the east, which abuts commercial the IH-35 frontage road. The proposed project is to rezone the existing church site from residential to commercial and expand the church building.

North Lamar Combined Neighborhood Plan (NLCNP)

The NLCNP Future Land Use Map (FLUM) designates this property as Civic. The Civic FLUM category is defined as any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, and public and private schools. It also includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses. Zone GR is allowed in the 'Civic' FLUM category as long as the proposed use remains a 'civic' institutional land use. Any change of the land use that would not be classified as a civic, would require a neighborhood plan amendment. The following policies are taken from the NLCNP:

Objective Q.10: Acknowledge the cultural diversity of the NLCNPA. (p 33)

Objective L.1: Preserve the residential character of the neighborhoods in the NLCNPA. (p 75)

Recommendation 119: Non-residential uses should not encroach into the established neighborhoods of the NLCNPA.

This portion of the planning area contains of mix of institutional (three churches), commercial and residential uses. Based on the civic use not expanding into the existing residential neighborhood, and this portion of the planning areas being designated as 'Civic' on the NLCNP Future Land Use Map, this proposed project appears to be supported by the plan.

Imagine Austin

Based on the small scale of this site relative to other nearby institutional and commercial uses, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%.

The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

Note: The most restrictive impervious cover limit applies.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

This site would appear to be located on a Suburban roadway. All code requirements in this section of the code will be based on this roadway type.

SP2. The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Capital Drive in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capitol Drive is not classified in the Bicycle Plan.

Capital Metro bus service is not available along Capitol Drive.

There are no existing sidewalks along Capitol Drive.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Capitol Drive	Varies	Varies	Collector	N/A

Water and Wastewater

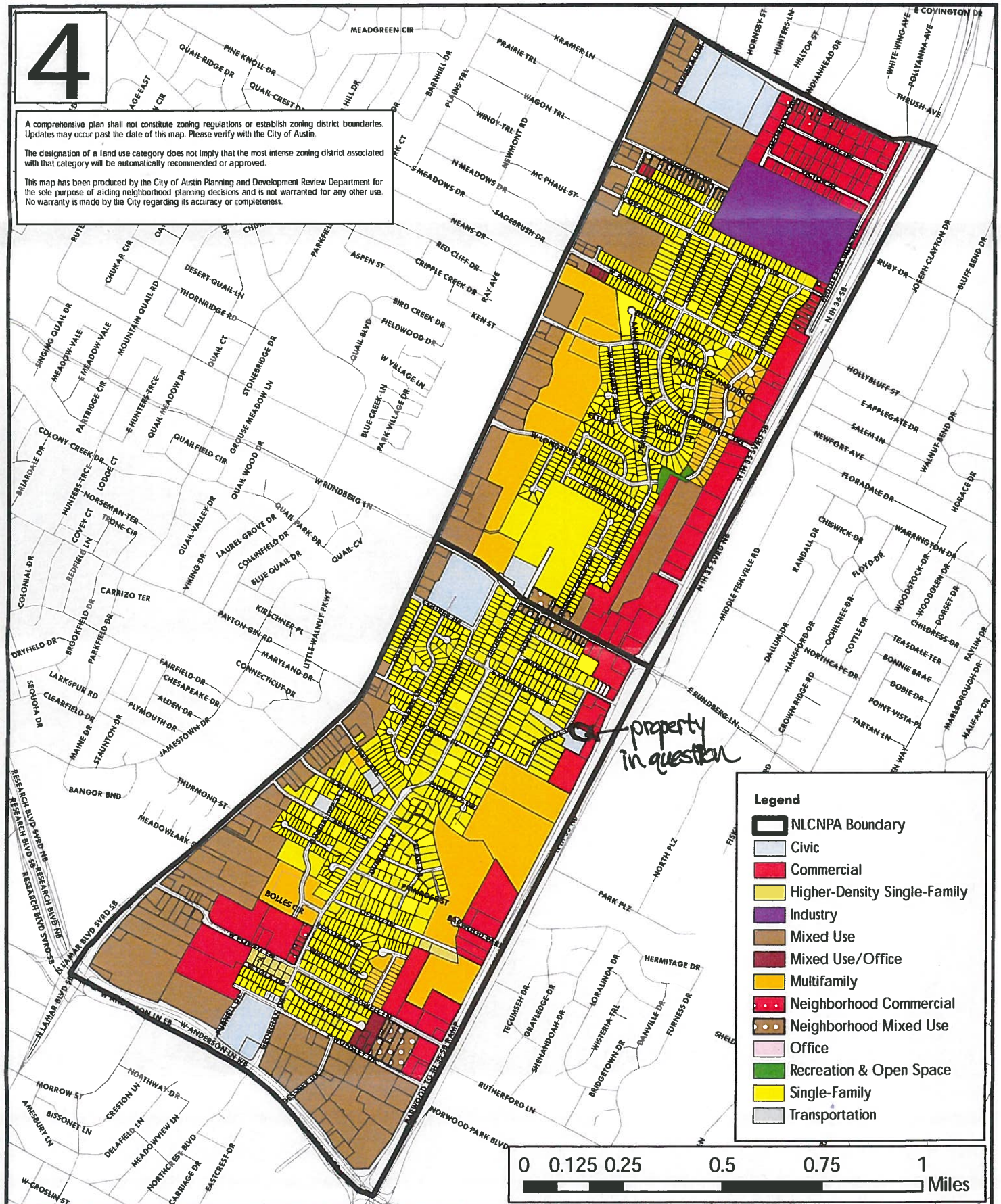
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

4

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin.

The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin Planning and Development Review Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



North Lamar Combined Neighborhood Planning Area Future Land Use Map

Adopted: August 26, 2010

Sirwaitis, Sherri

From: Elizabeth Jones [REDACTED]
Sent: Thursday, December 10, 2015 8:54 PM
To: Sirwaitis, Sherri
Subject: Re: Case Number C14-2015-0153

Thanks! Here is my letter-

December 10, 2015

Dear Ms. Sirwaitis,

I am writing to express my strong opposition to the address requested zoning change at 9015 Capitol Drive from single family (SF-3) to GR commercial (Case # C14-2015-0153).

The pastor of the Church, Mr. Rangel said when I spoke with him via the telephone that he wants the zoning change because with the new zoning he can then have 95% of the property covered and that he would expand his church. Our street cannot take more traffic. Capitol Drive is a very narrow street with no sidewalks. In fact 2 small cars can barely pass at the same time. Our street does not even have any kind of middle divider painted on it. I have talked to several of the neighbors who agree.

Additionally in the event that the church were to sell, 9015 Capitol Drive would then be commercially zoned and a motel, gas station, mini mart, could try to go in there. Please note that our street despite being close to the freeway is very residential, with many families and young kids living on it. 9015 Capitol Drive has many residential houses across the street from it as well as south of it.

Additionally it has come up that our area of Georgian Acres is on the cities top 10 list for worst overflow flooding. I don't think that covering the majority of a large lot will help with the issue of overflow flooding.

Finally, another neighbor mentioned that the Buddhist Temple in our area did a zoning variance as opposed to an actual zoning change, perhaps this could help in this situation.

Thank You,
Elizabeth Jones
8912 Captiol Dr
Cell 510-229-0800

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0153

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan. 26, 2016, Planning Commission

Feb. 11, 2016, City Council

ADAM YOUNG

Your Name (please print)

☒ I am in favor
☒ I object

8909 CAPITOL DR A.TX 78155

Your address(es) affected by this application

A. Young

Signature

JAN 19, 2016

Date

Daytime Telephone: 512-609-1230

Comments: OUR STREET IS NARROW AND HANDLES A LOT OF CUT THROUGH TRAFFIC ALREADY MAKING IT UNSAFE TO WALK ~~AND~~ ON THE STREET THROUGH THE NEIGHBORHOOD. ANY ADDITIONAL TRAFFIC DUE TO AN INCREASE IN VOLUME WOULD ONLY MAKE THIS ~~THIS~~ ISSUE WORSE. COME VIEW THE CRAZINESS OF THE TRAFFIC WHEN CHURCH IS IN ON THE STREET. ITS NUTS!!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Item # 151

PUBLIC HEARING INFORMATION

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Case Number: C14-2015-0153

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan. 26, 2016, Planning Commission

Feb. 11, 2016, City Council

RACHEL REYES YOUNG

Your Name (please print)

☐ I am in favor
☒ I object

8909 CAPITOL DR AUSTIN TX 78753

Your address(es) affected by this application

Rachel Reyes Young
Signature

1/19/16
Date

Daytime Telephone: 512-487-4621

NARROW

Comments: OUR STREET CAN HARDLY HANDLE
THE CURRENT AUTOMOBILE TRAFFIC & AS IT
IS IT'S ALREADY UNSAFE FOR PEDESTRIAN
USE. CAPITOL DR JUST CAN'T HANDLE
ANY THE TRAFFIC ADDITIONAL AUTOMOBILE TRAFFIC
THAT A COMMERCIAL SPACE WOULD MOST
LIKELY BEING.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Sirwaitis, Sherri

From: Rodney Thrailkill [mailto:rod76@hotmail.com]
Sent: Monday, January 25, 2016 4:00 PM
To: Sirwaitis, Sherri
Subject: 9015 Capitol

Attention of: Sherri Sirwaitis

Case Number: C14-2015-0153

January 25, 2016

To the Planning Commission:

The officers of the Georgian Acres Neighborhood Association OBJECT to the requested zoning of GR-NP at 9015 Capitol Drive.

The requested zoning and the allowable uses it provides for are not compatible with the residential character of Capitol Drive or Georgian Acres generally.

The request is likewise out of step with the Neighborhood Plan adopted by the Contact Team in 2010.

We thank you for your time and careful review of this matter.

Rodney Thrailkill,
Rigel Thurston,
Daniela Nunez
Jeremy Stiltala
Karen Bissett
Julia Foree

Georgian Acres
Austin TX, 78753